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PART IV-B

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Gujarat Acts

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 17th October, 2022.

THE GUJARAT REGULARISATION OF UNAUTHORISED DEVELOPMENT ORDINANCE, 2022

No.GH/V/154 of 2022/UDUHD/MSM/e-file/18/2022/4807-L: WHEREAS, the Government of Gujarat is satisfied that the circumstances exist which render it necessary to take immediate action to make rules for carrying out the purpose of the Gujarat Regularisation of Unauthorised Development Ordinance, 2022;

NOW, THEREFORE, in exercise of the powers conferred by section 17 of the Gujarat Regularisation of Unauthorised Development Ordinance, 2022 (Gujarat Ordinance No. 3 of 2022), and in suppression of the Gujarat Regularisation of Unauthorised Development Rules, 2012, the Government of Gujarat hereby makes the following rules, namely :-

1 Short title and commencement. -

- (1) These rules may be called the Gujarat Regularization of Unauthorized Development Rules, 2022.
- (2) They shall come into force on their publication in the *Official Gazette*.

2 Definitions.- (1) In these rules, unless the context otherwise requires,-

- i. 'Change of use' means use other than the use in respect of which the permission is granted under the Gujarat Act or relevant law and includes the use where the permission is not obtained for the same.
- ii. 'Form' means form appended to these rules;
- iii. 'Jantri' means annual statement of rates declared by the Revenue Department prevailing on the date of this notification;
- iv. 'Ordinance' means the Gujarat Regularization of Unauthorized Development Ordinance, 2022;
- v. 'Structural Designer' means a person registered as such under CGDCR;

- (2) The terms and expressions not defined in these rules shall have the meanings as assigned to them in the Ordinance or relevant laws, the rules or regulations made there under, as the case may be.

3 Manner of public awareness. -

- (1) The Designated Authority shall immediately after coming into force of the Ordinance, publish in at least two Gujarati newspapers having wide circulation within the area, the substance and the purpose of the Ordinance explaining the provisions of Ordinance in detail. The designated authority may also use other means to publicize.
- (2) The substance shall include;-
 - (a) the manner of making an application, the period within which the application may be made;
 - (b) salient features of the CGDCR for making the people aware regarding unauthorised development carried out by them;
 - (c) consequences which the owner or the occupier shall have to face in case of failure to get the unauthorized development regularized.

4 Manner of making an application for regularization of the unauthorized development. -

- (1) Any owner or occupier shall, within a period of 4 months from the date of commencement of the Ordinance, make application in the prescribed **Form A** and furnish all relevant particulars and documents including **Form F** (Certificate of Structural Stability), **Form G** (Certificate of Fire Safety Compliance), **Form H** (Undertaking for permissions from other departments) as may be required attaching therewith;
- (2) On receipt of the application under sub-rule (1), the designated authority shall, after making an inquiry in the manner as it deems fit, is of the opinion that the development can be regularised, pass an order in **Form B** requiring the owner or the occupier to pay the fees as may be notified by the State Government for the regularization of unauthorized development.

5 Procedure to be followed where the parking facility cannot be provided for regularizing the unauthorized development.-

- (1) On receipt of the application, if the designated authority is of the opinion that the unauthorised development cannot be regularised since it is not feasible for the owner or the occupier to provide, with respect to the actual built-up area, the required parking facility in the unauthorized development then, the designated authority shall direct by an order in **Form C** to provide such facility at suitable location which is within 500 meters of such unauthorised development within a period of three months from the date of the order.
- (2) The owner or occupier shall, as required, under sub-rule (1) to provide parking facility, give a compliance report to the designated authority giving therein the details of the place where such parking facility is provided.
- (3) On receipt of the compliance report under sub-rule (2), the designated authority shall, if he is of the opinion that unauthorized development can be regularized in respect of other matters, pass an order in **Form B**, within one month, requiring the owner or the occupier to pay the fees for the regularization of unauthorized development.

6 Fire Safety Measures. - Before making an order in **Form B**, the designated authority shall have due regard to the provisions of clause a) of sub-section (3) of section 8 of the Ordinance and accordingly shall, if required, consult the Chief Fire Officer or Regional Fire Officer who shall, after due inquiry, suggest the measures with regard to fire safety and on compliance of such measures by the owner or occupier, shall issue a certificate to that effect and on issuance of such certificate, if the designated authority is of the opinion that unauthorized development can be regularized in respect of other matters, pass an order in **Form B**.

7 Order to regularise or refuse to regularize. - If the designated authority is of the opinion that the unauthorised development cannot be regularised, shall pass an order in **Form- D** and if is of the opinion that the unauthorised development can be regularized shall pass the order of regularization in **Form E**.

8 Development which cannot be regularized under section 10. -

- (1) No unauthorised development in respect of matters specified in section 10 of the Ordinance shall be regularised in case of the followings:-
 - (a) Uses not permitted in obnoxious and hazardous industrial zone;
 - (b) Uses of obnoxious and hazardous nature in any zone other than the zone wherein the same is permitted;
 - (c) "Hazardous building" or part thereof used for, -
 1. storage, handling or manufacture or processing of radio-active substances or of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and/or producing poisonous fumes or explosive;
 2. storage, handling, manufacture or processing of, which involves highly corrosive, toxic obnoxiousalkalis, acids or other liquids, gases or chemicals producing flame, fumes, and explosive mixtures or which result in division of matter into fine particles and capable of spontaneous ignition;
 - (d) Construction in the land occupied by the graveyards, kabrastans, burial grounds and crematoria.
- (2) No unauthorised development shall be regularised in respect of any other matter in relation to the buildings used for performance of drama, cinema, theatres, multiplex, auditorium, exhibition halls, marriage hall, skating rings, gymnasias, stadia, dance halls, clubs, and stations for public transportation by road, air or sea, if there is a breach of parking regulations.
- (3) The designated authority may regularise any unauthorised development subject to the condition of obtaining the permission so as to be in conformity with any or all of the following, -
 - (a) the Building line and Control line prescribed under the Government Resolution for the classified roads of the State Government and the Panchayat;
 - (b) Right of user acquired under the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962;
 - (c) Development regulated and controlled in the vicinity of an oil well installed by Oil & Natural Gas Commission according to provisions of the Indian Oil and Mines Regulations -1933;
 - (d) Development regulated in the vicinity of the Grid Lines laid by the power company under the Indian Electricity Rules, 1956;
 - (e) Development in the funnel of Airport as regulated by Ministry of Civil Aviation, Government of India;
 - (f) Development in the vicinity of the Railway Boundary regulated by the standing orders or instructions of the Railway Authorities.
 - (g) Development in the vicinity of monuments being protected or conserved under the relevant Law;
 - (h) Development regulated under the provisions of Coastal Regulation Zone.
- (4) No unauthorised development shall be regularised with respect to road width considering the length of the road or set back required as required under CGDCR. In case where the road width is not provided and maintained, the unauthorised development may be regularised after the plot is deducted in such manner that, half the road width or the setback as per CGDCR is maintained from the centerline of the existing road.

Provided that the Designated Authority may relax the road width as provided in the CGDCR subject to the condition that in no case road width become less than 4.50 mts.

9 Undertakings. - The designated authority shall obtain an undertaking from the owner / occupier to the effect that they have not received any notice from the Gujarat RERA authority for violation of any provisions of the Real Estate (Regulation and Development) Act, 2016 and / or any notice from the Competent Authority for violation of any provisions of the Gujarat Clinical Establishments (Registration and Regulation) Act, 2021.

10 Infrastructure Development Funds under section 13. - The designated authority shall credit all the fees arising on regularisation of the unauthorised development in a separate corpus fund, for which the designated authority shall maintain a separate account.

- 11 Single window system.** - For the receipt of applications or any other documents or for any other inquiry or assistance in the matter the designated authority shall make an arrangement of single window system.
- 12 Contents of an application and manner of preparing plans for regularization unauthorized development.** -
- (1) Any owner or occupier intending to get the unauthorised development regularised shall along with the application submit the required documents as mentioned in the **Form-A**.
 - (2) The owner or occupier shall get the plans prepared by registered or authorized architect or engineer except in case of Bungalow/ Tenement/Row house (Residential).
- 13 Liability.** -
- (1) Any owner or occupier undertaking any alteration, modification or addition in the unauthorised development so as to get the unauthorised development regularised shall continue to be wholly and solely liable for any injury or damage or loss whatsoever that may be caused to any one in or around the area during carrying out such work and no liability whatsoever in this regard shall be cast on the designated authority.
 - (2) Regularization of unauthorised development shall not in any way mean the acceptance of any statement, documents, structural report, structural drawings and shall not discharge the owner or occupier, engineer or architect and structural designer from the responsibilities imposed upon them under the relevant Act or CGDCR.
 - (3) Regularization of unauthorised development shall not in any way relieve the owners / occupiers from the responsibility of any injury or damage or loss whatsoever that may be caused in future to anyone in or around the area. Also, it shall not impose any liability or responsibility on any officer or authority for action or decision taken for regularization of unauthorised development

Form-A

[see rule 4(1)]

Application Form for the Regularisation of Unauthorised Development

To,

The Chief Executive Authority / Municipal Commissioner / Chief Officer

_____ **Area / Urban Development Authority / Municipal Corporation / Nagarpalika**

I/We hereby apply for getting the unauthorised development regularised as described in accompanying relevant drawings alongwith the certificate in **Form-F** for structural stability, **Form-G** for fire safety measures compliance and relevant undertakings, as the case may be.

1. Name of the owner/s or the occupier/s :
(Attach documentary proof like the extract from the Property Register for city survey lands or an extract from the Record of Rights for Revenue lands or the copy of the index of registered sale deed as the case may be)
2. Occupied the property since when
(Attach documentary proof like, property tax bill of local body, electricity bill, telephone bill, ration card etc.)
3. Details of property tax last paid:
 - (a) Tenement Number
 - (b) Useable Area for assessment of property tax :
 - (c) Year of assessment : Sq. mts
 - (d) Use for which the assessment is done :

4. Is this land/building included in a layout/building plan :
sanctioned by the appropriate authority or any other authority?
If yes, date of sanction and order number submit the copy of
the approved plan

- (a) Plot area : (sq.mtrs.) No. of units :
(b) Details of violation;

Description	Unit	Actualarea	Approved or Approvable as per CGDCR	Violation (C-D)
A	B	C	D	E
i. Ground coverage	Sq.mtr.			
ii. Built up area (excluding groundcoverage)	Sq.mtr.			
iii. Height of building	Mtr.			
iv. Common plot	Sq.mtr.			
v. Change of Use (other than parking)	Sq.mtr.			
<p>Note :</p> <p>i. Cases where the building permission has been granted earlier, in such cases details to be filled in column-D shall be as per the sanctioned plan only for which authentic sanctioned documents shall be enclosed which includes plans and development permission (Raja Chitthi).</p> <p>ii. In other cases the building permission has not been granted details to be filled in column-D shall be as approvable under prevailing CGDCR.</p>				

5. Required as per rule 4(1):

I am hereby furnishing the Undertaking in the Form-H for NOC's/approvals, in respect to the following matters:

- i. _____
ii. _____
iii. _____

6. Declaration : I hereby certify and declare that:

- (a) The land on which my property exists is not covered under sub-section (1) of section 8. Also my property does not attach any dues to the Government or local bodies.
- (b) For violation in the provision of sanitary facility, I abide to make the necessary provision as directed by authority in this regard.
- (c) I have submitted the plans for the portion for which I wish to get the unauthorised development regularised.
- (d) For that portions for which I have not submitted to regularise, I shall pull down such portions on my own.
- (e) I, the under signed _____ registered/authorized architect/Engineer, hereby certify that, while preparing the plan for the said unauthorised development, I/we have inspected the site and accordingly the plans are prepared.
- (f) The information provided by me/us in the application and documents submitted along with are true to the best of my/our knowledge. Also I am aware that, if found incorrect it shall lead to criminal proceedings and accordingly action shall be taken.

Date :

Date :

Registration No.

Name and Signature of the architect / engineer
Address / Phone number.

Name and Signature of the applicant / owner / occupier
Address / Phone number.

Instruction to applicant regarding particulars, documents and maps to be submitted alongwith the application

- i. In a building having more than one unauthorised development each owner/occupier shall make a separate application for each unauthorised development.
- ii. Certified copy of approved layout plan of final plot or revenue survey number or city survey number.
- iii. Sanctioned layout plan duly certified by registered or authorized Architect or Engineer empaneled by the authority
- iv. The plans shall be prepared according to sub-rule (1) of rule 12
- v. Stability Certificate of Structural Engineer in Form-F except for residential dwelling units having an area up to 125 sq mtr
- vi. Certificate of fire safety measures compliance from CFO/RFO, if applicable.
- vii. Copy of the demand notice for property tax
- viii. Receipt of payment of the property tax.
- ix. NOC of the society if applicable
- x. NOC/approval/Undertakings required under sub rule (1) of rule 4 and rule (9).

Form-B*[see rule 4(2), rule 5(3), rule 6]***Order to Pay Fees**

To,

Shri / Mrs / Ms: _____

WHEREAS, I, the undersigned, is of the opinion that, you have carried out, owned or occupied the unauthorized development of the building in respect of the premises Tenement No./Flat No./Sub Plot No. _____ on Revenue Survey No./Final Plot No. _____ of T.P.Scheme No. _____ village _____ as described below.

(Description of the property)

NOW, therefore, in pursuance of the provisions of the section 4 of the Gujarat Regularisation of Unauthorised Development Ordinance, 2022, you are liable to pay the below mentioned fees in respect of such unauthorised development, namely :-

	Description	Area Sq.Mt.	Rate Rs./Sq.Mt.	Amount in Rs.
A	Total Built Up area (Unauthorised Development)			
	1. Up to 50 Sq. Mt.			
	2. Exceeding 50 Sq. Mt. and Up to 100 Sq. Mt.			
	3. Exceeding 100 Sq. Mt. and Up to 200 Sq. Mt.			
	4. Exceeding 200 Sq. Mt. and Up to 300 Sq. Mt.			
	5. Exceeding 300 Sq. Mt.			

B	For the purpose of Parking and sanitary.			
1.	Parking			
2.	Sanitary			

You are required to pay the total amount of Rs.__(Rupees_____(in words) to the _____authority within a period of 2 months from the date of receipt of this notice falling which action under the relevant law shall be taken.

Signature of the Authorised Officer Area/Urban Development
Authority

Date the : _____

Place :

Municipal Corporation/Nagarpalika

Form-C

[see rule 5(1)]

Order to Provide Parking Facility

To,

Shri/Mrs/Ms _____

WHEREAS, I, the undersigned, is of the opinion that, you have carried out, owned or occupied the unauthorized development of the building in respect of the premises Tenement No. _____ / Flat No. _____ / Sub Plot No. _____ on Revenue Survey No./Final Plot No. _____ of _____ village. T.P.Scheme No. _____ as described below.

(Description of the property)

WHEREAS, you have made application for regularization of the unauthorized development;

WHEREAS, I am of the opinion that the unauthorised development cannot be regularised since it is not feasible for you to provide, with respect to the actual built-up area, the required parking facility in the unauthorized development.

NOW, THEREFORE in pursuance of the provisions of section 10, I undersigned hereby issue an

order to provide such parking facility at suitable location mentioned below which is within 500 meters of such unauthorised development, within a period of three months from the date of the order.

You are required to provide parking facility, and give a compliance report to the designated authority giving therein the details of the place where such parking facility is provided.

Signature of the Authorised Officer Area / Urban
Development Authority
Municipal Corporation / Nagarpalika

Date the : _____

Place :

Form-D*[see rule 7]***Order to Refuse Regularisation**

To,

Shri / Mrs. / Ms.

.....

.....

(Address)

WHEREAS, you have carried out, the unauthorised development, owned or occupied by you, on Plot No. Revenue Survey No. / Final Plot No. of village / T.P. Scheme No. , for use, without the permission of the competent authority or in contravention to the permission granted vide letter No. dated ;.....

I undersigned believe, for the reasons mentioned hereunder, that you have not fulfilled the requirements under the provisions of the Gujarat Regularisation of Unauthorised Development Ordinance, 2022 and the rules there under,

Reasons:

a.

b.

c.

d.

Now therefore, in pursuance of the provisions of sub section (4) section 6, I hereby refuse to regularize the development.

This order is not an evidence in any way to decide the ownership of the unauthorised construction or the title of the property as per sub-section (2) of section 11 of the Ordinance.

If you are aggrieved by this order, you may prefer an appeal to the Appellate Officer appointed under section 12 of the Ordinance within a period of sixty days from the date of receipt of this notice.

You are also requiring to inform the designated authority in this regard within fifteen days from the date of filling such appeal.

Signature of the Authorised Officer Area / Urban
Development Authority

Date the : _____

Place :

Municipal Corporation / Nagarpalika

Form-E*[see rule 7]***Order of Regularisation**

To,

Shri / Mrs. / Ms.

.....

.....

(Address)

WHEREAS, you have carried out, the unauthorised development, owned or occupied by you, on Plot No. _____ Revenue Survey No./Final Plot No.____of village/ T.P. Scheme No.____, for____use, without the permission of the competent authority or in contravention to the permission granted vide letter No.____dated____;.....

WHEREAS, you have made application for regularization of the unauthorized development;

WHEREAS, you have paid the fees on dt. _____ as demanded by the designated authority;

WHEREAS, under the provisions of the Gujarat Regularisation of Unauthorised Development Ordinance 2022 (hereafter referred as “the said Ordinance”) and the rules there under, you have fulfilled certain or all of the requirements;

NOW, THEREFORE in pursuance of the provisions of section 6, I undersigned hereby issue an order to regularize the below mentioned unauthorized development,

This order is not an evidence in any way to decide the ownership of the unauthorised construction or the title of the property as per sub-section (2) of section 11 of the Ordinance.

If you are aggrieved by this order, you may prefer an appeal to the Appellate Officer appointed under section 12 of this Ordinance within a period of sixty days from the date of receipt of this notice.

You are also requiring to inform the designated authority in this regard within fifteen days from the date of filling such appeal.

Date the : _____

Place :

Signature of the Authorised Officer Area / Urban
Development Authority

Municipal Corporation / Nagarpalika

Form-F

[see rule 4(1)]

Certificate of Structural Stability

(not required in case of independent residential development having dwelling unit area less than 125 sq. mts)

To,

The Chief Executive Authority / Municipal Commissioner / Chief Officer

..... Area / Urban Development Authority / Municipal Corporation / Nagarpalika

REF : Work of _____
(Title of Project)

C.S.No./RS.NO. _____ (F.P.No.) _____ in ward No. _____
at Village _____ Taluka _____ T.P.S. No. _____ of
_____ village / Town / City

Certified that the plans of existing building submitted for regularisation satisfy the safety requirements as stipulated under prevalent National Building Code, CGDCR and other relevant laws and the information given therein is factually correct to the best of our knowledge and understanding.

Signature of the Owner /
Occupier with date

Name in Block Letters

Address

Signature of the Architect with date

Name in Block Letters

Address

Signature of the Structural Engineer with date

Name in Block Letters

Address

Form-G*[see rule 4(1)]***Certificate of Fire Safety Compliance**

To,

The Chief Executive Authority / Municipal Commissioner / Chief Officer

Area / Urban Development Authority / Municipal Corporation/ Nagarpalika

REF : Work of _____

(Title of Project)

C.S.No./RS.NO. _____ (F.P.No.) _____ in ward No. _____

at Village _____ Taluka _____ T.P.S. No. _____ of
_____ village / Town / City

I,(name of the architect) the under signed architect certify that the building existing on the above address for which application is submitted for regularisation of unauthorised development do not require to provide the facility for fire safety measures as stipulated under National Building Code, CGDCR and other relevant laws and that the information given therein is factually correct to the best of our knowledge and understanding.

OR

I the under signed owner / occupier undertake to provide the required fire safety measures which the designated authority may direct in consultation with Chief Fire Officer or the Regional Fire Officer.

OR

The copy of the Fire NOC obtained from the Chief Fire Officer or the Regional Fire Officer of (Name of the Municipal Corporation / Fire Region) dated..... and valid till dated is attached herewith.

Signature of the Owner /
Occupier with date

Signature of the Architect with date

Name in Block Letters

Name in Block Letters

Address

Address

Form-H*[see rule 4(1)]***Undertaking**

To,

The Chief Executive Authority / Municipal Commissioner / Chief Officer

Area / Urban Development Authority / Municipal Corporation /
Nagarpalika

REF : Work of _____

(Title of Project)

C.S.No./RS.NO. _____ (F.P.No.) _____ in ward No _____ at _____ Village / Town / City

I/We have applied for getting the unauthorised development regularised as described in relevant drawings along with other documents, particulars and certificates. I understand that for regularisation my aforesaid property, the construction carried out should be in confirmative with other acts or rules as mentioned in sub rule (1) of rule 4 and rule 9.

I/We hereby give an undertaking to take necessary permission as required. In case if the necessary permission is not granted from the relevant competent authority than I hereby abide to pull down/alter the unauthorised construction as required under the relevant rules or act or as per the directions issued by the relevant competent authority. Any cost incurred to carry out such direction shall be borne by me.

I/We hereby also give an undertaking that there is neither any violation of any provisions of the Real Estate (Regulation and Development) Act, 2016 and / or the Gujarat Clinical Establishments (Registration and Regulation) Act, 2021 nor I/We have received any order in the past under the above mentioned Acts for the unauthorized construction for which regularisation is sought for.

Signature of the Owner /Occupier
with dateSignature of the Structural Engineer
with dateName in Block
lettersName in Block
letters

Address

Address

Signature of the Architect / Engineer
with date

Name in Block Letters

Address

By order and in the name of the Governor of Gujarat,

PRAKASH DUTTA,Officer on Special Duty & Ex-Officio
Joint Secretary to Government.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT**NOTIFICATION**Sachivalaya, Gandhinagar, 17th October, 2022.**GUJARAT REGULARISATION OF UNAUTHORISED DEVELOPMENT ORDINANCE, 2022.**

No. GH/V/155 of 2022/ UDUHD/MSM/e-file/18/2022/4806-L: In exercise of the powers conferred by the section 7 of the Gujarat Regularisation of Unauthorised Development Ordinance, 2022 (Gujarat Ordinance No.3 of 2022), the Government of Gujarat hereby specify the rates of fees payable for regularisation of unauthorised development and the manner of calculation as specified in the Schedule appended hereto,-

SCHEDULE

Rates of fees for unauthorised development

A. For the Purposes other than Parking:

Sr. No.	Total Built Up area (Unauthorised Development)	Rates
1	2	3
1	Up to 50 Sq. Mtrs.	Rs. 3,000/-
2	Exceeding 50 Sq. Mtr. and Up to 100 Sq. Mtrs.	Rs. 3,000/- plus additional Rs. 3,000/-
3	Exceeding 100 Sq. Mtr. and Up to 200 Sq. Mtrs.	Rs. 6,000/- plus additional Rs. 6,000/-
4	Exceeding 200 Sq. Mtr. and Up to 300 Sq. Mtrs.	Rs. 12,000/- plus additional Rs. 6,000/-
5	Exceeding 300 Sq. Mtrs.	Rs. 18,000/- plus additional Rs. 150/- per every square meter exceeding 300 Sq. Mtrs.

Note:

- The figure in Column 2 is total unauthorised built up area on all floors.
- Above rates shall be applicable for residential use only.
- With respect to Change of Use and for other than residential use, twice the rates of as mentioned above shall be applicable.
- For the violation in common plot, the unauthorized development shall be regularized only on the consent of owners or occupants who share the interest therein and for the purpose of common utility only.
- In case of any deficit in Sanitation facilities, lump sum charge of Rs. 7,500/- shall be paid in addition to above.

A. For the Purpose of Parking:

Sr. No.	Description	Rates
1	2	3
1	Deficit Parking Space for Residential use	15 % of Jantri rate
2	Deficit Parking Space for Non -Residential use	30 % of Jantri rate

By order and in the name of the Governor of Gujarat,

PRAKASH DUTTA,

Joint Secretary to Government.

